

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DERRICK L. SMITH,

ORDER

Plaintiff,

09-cv-387-bbc

v.

GREG GRAMS, Warden,
JANE DOE, SULIENE, Doctor,
JANE DOE Nurse #1,
JANE DOE Nurse #2,
JANE DOE Nurse #3,
JANE DOE, Security Director,

Defendants.

On August 7, 2009, plaintiff Derrick Smith, a prisoner at the Columbia Correctional Institution in Portage, Wisconsin, filed a motion to order prison officials to submit the \$3.52 initial partial payment he was assessed in this 42 U.S.C. § 1983 action. In an order dated August 14, 2009, I stayed a decision on plaintiff's motion and requested that the prison's warden look into the matter and advise the court, in writing, of the status of plaintiff's payment. Although the court has not yet received a response from the warden, plaintiff's initial partial payment has been received. Because the initial payment has now

been made, I will deny plaintiff's motion to order prison officials to submit the initial partial payment.

ORDER

IT IS ORDERED that plaintiff's motion to order prison officials to submit initial partial payment (dkt. #13) is DENIED.

Further, IT IS ORDERED that plaintiff's complaint is taken under advisement. As soon as the court's calendar permits, plaintiff's complaint will be screened pursuant to 28 U.S.C. § 1915(e)(2) to determine whether the case must be dismissed either because the complaint is frivolous or malicious, fails to state a claim on which relief may be granted or seeks monetary relief against a defendant who is immune from such relief. Plaintiff will be notified promptly when such a decision has been made.

Entered this 26th day of August, 2009.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge